

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

WAYNE CHARLES BAKER
JAN MARIE BAKER
215 WINBURN LN
FRANKLIN, TN 37069

SSN XXX-XX-8332 SSN XXX-XX-5784

16-00014-MH3-13

JUDGE MARIAN F HARRISON

Date: 10/31/16

THE DEADLINE FOR FILING A TIMELY RESPONSE IS 11/22/16.

IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: 12/07/16 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.

**NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion to Modify Chapter 13 Plan To Modify or Add Continuing Payment.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <https://ecf.tnmb.uscourts.gov>.

If you need assistance with Electronic Case Filing you may call the Bankruptcy Court at (615)736-5584. The Bankruptcy Court may be visited in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M.- 4:00 P.M.).

2. Your response must state the deadline for filing response, the date of the scheduled hearing, and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584. If you received this notice by mail, you may have three additional days in which to file a timely response under Rule 9006(f) of the Federal Rules of Bankruptcy Procedure.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

WAYNE CHARLES BAKER
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215 WINBURN LN
FRANKLIN, TN 37069

CASE NO. 16-00014-MH3-13

SSN XXX-XX-8332 SSN XXX-XX-5784

10/31/2016

**TRUSTEE'S MOTION TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

HENRY E. HILDEBRAND, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, moves this court to modify the plan previously confirmed in the above-styled case pursuant to 11 U.S.C. §1329. In support of this motion, the Trustee would state that he has received a communication from a creditor being treated as a continuing claim. Based on the claim and supporting documentation, the monthly payment must either increase or now be paid by the Trustee's office, in lieu of prior direct payment by the debtor(s).

Specifically the Trustee requests the following modification:

The continuing **mortgage** payment made to **SETERUS INC** shall increase from **\$1,861.65 to \$2,009.80** beginning with the **08/16** disbursement.

The base shall **increase from \$188,500 to \$226,900.**

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors. Impacted creditors are:

FORD MOTOR CREDIT CO LLC at **\$164.00** per month.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on WAYNE CHARLES BAKER & JAN MARIE BAKER, 215 Winburn Ln, Franklin, TN 37069; and

SETERUS INC P O BOX 1047, HARTFORD, CT 06143;

SHAPIRO AND INGLE LLP 10130 PERIMETER PKWY, SUITE 400, CHARLOTTE, NC 28216;

FORD MOTOR CREDIT CO LLC DRAWER 55 953, P O BOX 55000, DETROIT, MI 48255

SETERUS 3039 CORNWALLIS RD BLDG 203 STE CC133 RESEARCH TRIANGLE PARK, NC 27709-0154;

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and by email by Electronic Case Noticing to Ms Beth R Derrick, Assistant US Trustee, and E COVINGTON JOHNSTON, Debtors' counsel on this 1st day of November, 2016.

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
Chapter 13 Trustee

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CASE NO. 16-00014-MH3-13

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JAN MARIE BAKER
215 WINBURN LN
FRANKLIN, TN 37069

SSN XXX-XX-8332

SSN XXX-XX-5784

10/31/2016

**ORDER TO MODIFY CHAPTER 13 PLAN
TO MODIFY OR ADD CONTINUING PAYMENT**

It appearing to the Court that the Trustee has filed a Motion to Modify plan pursuant to Rule 9013-1 of the local rules of Bankruptcy Court for the Middle District of Tennessee and that no objections thereto have been timely filed so that the Trustees Motion should be granted as requested. It is therefore ordered that the Debtor(s) plan shall be amended as follows:

The continuing **mortgage** payment made to **SETERUS INC** shall increase from **\$1,861.65** to **\$2,009.80** beginning with the **08/16** disbursement.

The base shall **increase from \$188,500 to \$226,900.**

PLEASE TAKE NOTE: The granting of this motion could impact the below listed creditors in that the Trustee is seeking to cause the continuing payments to be brought current (payments between the commencement date noted in paragraph 2, above and the date of approval) before distribution to secured creditors.
Impacted creditors are:

FORD MOTOR CREDIT CO LLC at **\$164.00** per month.

APPROVED FOR ENTRY:

/s/ Henry E. Hildebrand, III
HENRY E. HILDEBRAND, III
CHAPTER 13 TRUSTEE
P O BOX 340019
NASHVILLE, TN 37203
PHONE: 615-244-1101
FAX: 615-242-3241
pleadings@ch13nsh.com

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE TOP
OF THE FIRST PAGE.